

In the United States Court of Appeals  
for the Eighth Circuit

SORPTIVE MINERALS	)	
INSTITUTE,	)	
	)	
Petitioner,	)	
	)	
v.	)	<b>No. 24-1889</b>
	)	
MINE SAFETY AND HEALTH	)	
ADMINISTRATION, and	)	
VINCENT N. MICONE, III,	)	
ACTING SECRETARY OF	)	
LABOR, UNITED STATES	)	
DEPARTMENT OF LABOR,	)	
	)	
Respondents.	)	

**MOTION FOR EXTENSION TO FILE REPLY BRIEFS**

Petitioners Sorptive Minerals Institute and Blue Mountain Production Company (“SMI Petitioners”) and National Stone, Sand & Gravel Association *et al.* (“NSSGA Petitioners”) collectively request a one-month extension of time, until April 21, 2025, to file Reply Briefs, and for all dates following the Reply Brief deadline to be extended accordingly. The following good cause supports this request:

1. Petitioners’ Reply Briefs in this matter are currently due on March 21, 2025.

2. While counsel has been diligently working on the Reply Brief, undersigned counsel has been dealing with a lingering sickness and other obligations have impeded progress, making additional time necessary to finish and fully brief the issues.

3. Petitioners' counsel have also been negotiating with multiple components of the government on multiple rulemaking issues in various other cases where the agencies involved have requested remands, stays, or other accommodations in the past two months. These additional complications have consumed considerable effort.

4. In addition, Lori Chavez-DeRemer was confirmed by the Senate and sworn in as the new Secretary of Labor on March 11, 2025, and the parties anticipate her prompt substitution on behalf of Respondent. Along with other recently confirmed new officials, the requested extension will enable the new Administration space to thoroughly consider the legal and regulatory issues involved and its position in the consolidated matters.

5. Given the foregoing, an extension to April 21, 2025, will not prejudice MSHA.

6. SMI Petitioners have conferred with counsel for MSHA, who has authorized Petitioners to represent to the Court that MSHA does not oppose this motion.

7. This motion is not being submitted for purposes of delay.

Wherefore, Petitioners respectfully request an adjustment to the briefing schedule in this matter as follows:

Petitioners' Reply Briefs ..... April 21, 2025  
Joint Appendix ..... April 28, 2025  
Final Briefs ..... May 5, 2025

Date: March 17, 2025

Respectfully submitted,

/s/ Mark Trapp

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### **CERTIFICATE OF COMPLIANCE**

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/s/ Mark Trapp

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 17, 2025, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Mark Trapp